

II. REMARKS

A. Status

Claims 1-15 are pending. Claims 4-5 and 12-15 are currently active for examination all of which are independent.

In the Office Action, claim 3 was objected to for minor informalities. Office Action at 2. Claims 1-2, 4, 6-7 and 9-11 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. *Id.* at 3-4. Claims 1-3 and 6-11 were rejected 35 U.S.C. § 102(a) as being anticipated by Kengo et al. (JP Publication No. 2002-324001, hereinafter “Kengo”). *Id.* at 4-7. Finally, Applicant thanks the Examiner for indicating allowability of claims 4-5. *Id.* at 7.

In this amendment, claims 1-3 and 6-11 have been cancelled and claims 4 and 5 have been amended to overcome the rejections. Care has been exercised not to introduce new matter.

B. Objections to Claims Are Overcome

Claim 3 is objected to because of claim language. Office Action at 2. The claim language is amended as suggested by the Examiner. Even though claim 3 is cancelled, the amended language is incorporated into independent claim 5. Amendment at 3. Applicant respectfully requests that the objection be withdrawn.

C. The Rejection Based On Non-Statutory Subject Matter Is Moot

Claims 1-2, 4, 6-7 and 9-11 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Office Action at 3-4.

Claims 1-2, 6-7, and 9-11 have been cancelled, thus rendering the rejection of these claims moot. Amendment at 2.

Claim 4 has been deemed allowable if rewritten in independent form. Office Action at 7. The Examiner apparently believes that the claim is not directed to non-statutory subject matter and thus Applicant respectfully requests that the rejection be withdrawn. New claims 12 and 14 recite similar subject matter in product and apparatus form and should similarly avoid the ground of the 101 rejection.

New claims 13 and 15 are product and apparatus claims relating to subject matter similar to claim 5. Since claim 5 was not included in the rejection, claims 13 and 15 should likewise be free of rejection under 35 U.S.C. § 101.

D. Art Rejection of Claims 1-3 and 6-11 Is Moot

Claims 1-3 and 6-11 were rejected 35 U.S.C. § 102(a) as being anticipated by Kengo et al. (JP Publication No. 2002-324001, hereinafter “Kengo”). Office Action at 4-7. The rejection is moot because claims 1-3 and 6-11 are cancelled. Amendment at 2-4.

E. Allowable Subject Matter

Claims 4 and 5 were deemed allowable if rewritten in independent form. Office Action at 7. Applicant would like to thank the Examiner for so indicating. No new matter has been added. Claim 4 is rewritten to include all of the limitations of the claim from which it depends, claim 2. Amendment at 2. Claim 5 is rewritten to include all of the limitations of the claim from which it depends, claim 3. *Id.* at 2. Accordingly, claims 4 and 5 are now in condition for allowance. New Claims 12-15 are apparatus and program product claims drafted to generally recite similar features. Hence, new claims 12-15 should be allowable along with claims 4 and 5.

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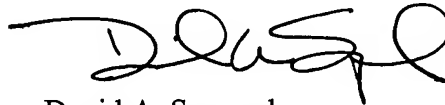
V. CONCLUSION

In conclusion, Applicant respectfully submits that the claims are now in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'DAS', with a stylized flourish at the end.

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